

Questions On the City Ballot Measure
Responses from Mayor Lewis and Mayor Pro-tem Matt Hall

Question 1.(Jill Agosti)What are the problems with “ballot box” decision making and what can the city do specifically to correct those problems as they pertain to city issues?

Response

- *Land use planning by “ballot box” is the problem. Many other issues are appropriate to decide by a citizen-initiated ballot measure.
- *There is a comprehensive process already in place to decide land use matters including extensive city analysis, environmental review and public hearings. Ballot box planning eliminates this comprehensive process.
- *Perhaps ballot box planning could be avoided by providing more information about land use issues to our citizens and finding more ways to involve them in the process.

Question 2. (Bill Dominguez)How many initiatives has the city placed on the ballot in the past 25 years? How many of these initiatives have been forwarded to counteract citizen initiatives?

Response

- *I would estimate about 6 most of which were advisory votes.
- *I believe only one was a counter measure and that was the Growth Management Plan, Proposition E which was a counter to an overly-restrictive growth measure, Proposition G.

Question 3. (Bill Dominguez)Why was it necessary for the Concerned Citizens group to employ the State’s Public Records Act to have city information released as its regards this matter?

Response

- *Perhaps that is a question that should in part be responded to by the Concerned Citizens.
- *However, when a citizen or a group is requesting extensive amounts of information, the Public Records Act provides a mechanism for the requestor of the information and the city to be clear on what is really wanted and whether it is readily available.

Question 4. (Chris Calkins)The city is electing to keep its Golf Course use while removing the potentially competitive zoning from the private landowner-how is this overbearing use of municipal power justified?

Response

- *It was our understanding that the property owner, Carltas, was not interested in using the property for golf and that’s why it was put-up for sale. If that’s not the case, then perhaps the city and Carltas should discuss this matter.
- *I think the citizens are more interested in seeing passive open space uses on the property rather than active ones like golf.

Question 5. (Chris Calkins)The city imposed a requirement on the owners of the Carlsbad Ranch that before any development could occur, \$1-2 million had to be spent on under crossing and other improvements solely to accommodate Golf zoning-does the city initiative propose reimbursing with interest these costs?

Response

*I thought it was a mutual approach between the city and Carltas to install the undercrossings beneath Cannon Road rather than coming back later and tearing-up the road.

*Perhaps the undercrossings can be used for the interconnecting public trail that is included in the city's ballot measure and perhaps there could be some compensation included in the trail improvement costs.

Question 6. (Chris Calkins)Agriculture was defined for the past 20 years as an interim use-no city policies to support agriculture (other than those associated with the Flower Fields) were implemented and investment (such as construction of normal farm buildings of metal) in agriculture was discouraged—what policies does the city intend to implement to encourage investment? What hearings, studies, or other actions have been undertaken to support the proposed initiative in this regard?

Response

*The city's ballot measure does not mandate that agriculture remains on the properties in question like the Concerned Citizens initiative does. It only promotes and permits agricultural use for as long as it is economically viable.

*No subsidies for continued agricultural use are included in the city's measure.

Question 7. (Chris Calkins)Are you aware that the city charges the flower farmer more for recycled water than for non interrupted potable water? Are you aware that the city charges fees for sewer service based on water usage thus heavily penalizing agricultural uses who have low sewer use (compared with a commercial or housing use)? Is this the kind of support you anticipate the city providing?

Response

*Again, the city's ballot measure does not include any provision to subsidize agriculture. Only, to promote and permit it as a use in the area.

Question 8. (Chris Calkins)Why should the public support any initiative which strips away the potential for active recreation and associated uses, but preserves the possibility of an ocean view city government complex?

Response

*The city ballot measure gives the citizens the right to vote on whether they prefer passive open space and recreational uses or more active ones in this area. If they vote against the city's measure, it probably means they are more supportive of active uses.

*The city's measure allows the public to vote on a civic center in this area in the future if one is ever proposed. There is no proposal for a civic center in this area at this time and there may never be one proposed.

*The intent of the measure was just to leave that open as a possibility if the citizens want it.

Question 9. (Chris Calkins) Does the city initiative prohibit the Armstrong Garden Center and nursery activities, or visitor services at the Flower Fields or a relocated Floral Trade Center?

Response

*No. If you look at Section 3.3 of the city ballot measure, it allows farming and other related uses and specifically states that commercial and industrial-type uses are prohibited except for those associated with farming operations.

Question 10. (Chris Calkins) Given that the city has never taken any action or provided any funds to support agriculture (other than managing a fund created by and funded by the developer of Carlsbad Ranch), what support do you anticipate the city providing?

Response

*Section 3.2 of the city's ballot measure states "the city shall utilize all existing programs and land use protections and explore possible new grant programs and other outside financial assistance to keep the existing Flower Fields in permanent farming and flower production".

*The measure does not include additional city financial support for agriculture but allows it to continue for as long as it is economically viable.

Question 11. (Bob Garcin) Does the elimination of residential, commercial and industrial uses expose the city to an inverse condemnation suit?

Response

*This is perhaps a possibility, however, this is why the city's measure does not mandate agriculture use only like the Concerned Citizens initiative does. The city's measure allows consideration of a number of open space uses that could provide a significant economic return to the property owner.

*Also, Section 7.3 of the city's measure allows modifications to the measure if it is determined through a legal process that there has been an inverse condemnation or taking of private property rights.

Question 12. (Mark Johnson) Through what analyses and processes did the city staff/council conclude that housing was inappropriate for sites 2, 3, and 4, while a civic center could be eligible for construction pending a vote? Would city administrative activities be among those performed at a civic center, or are we talking about passive/active parks, amphitheater, public art, etc.? Are the city's current and planned administrative facilities/buildings deemed inadequate for city needs, or are sites 2, 3 and 4 an opportunity to consolidate/upgrade?

Response

*Except for a small portion of Site 4 that is designated for commercial use, all the rest of these sites are presently designated for open space. I do not believe that the citizens want this changed from open space to housing. In talking to citizens about this area, the last thing they wanted to see was it developed with residential use. So, the city's measure makes it clear that residential would be prohibited in this area.

*Again, the city's measure only allows the public to vote on a civic center if one is ever proposed in the future. There may never be one proposed.

*The area may provide an opportunity to consolidate and upgrade city administrative facilities and I would hope that it would not just be for that only but for all the things

included in your question. It could present an opportunity to create a great community gathering space with cultural and passive recreation and open space uses.

Question 13. (Farrah Douglas) Why does the Mayor think we don't need commercial development in the subject properties?

Response

*I believe the majority of our citizens would rather see the entire south shore of the lagoon as you drive along the Cannon Road Corridor in open space and not have any development there at all. The citizens will have an opportunity to express that when they vote on the city's ballot measure.

Question 14. (Farrah Douglas) Why does the Mayor think there is no residential use of these parcels?

Response

*Again, similar to the response I gave to this question earlier, none of this area is presently designated for residential use and I don't think most of our citizens want the area changed from open space to more housing.

Note:

Attached is a detailed response to the water and sewer charge question, Question 7, asked by Chris Calkins. The response was prepared by Bob Greaney.